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| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---------------|----------------------|---------------------|------------------|
| 10/696,740  | 10/28/2003    | Jason Bartell        | 07844-603001 / P556 | 6314             |
| 21876   | 7590          | 07/02/2007           | EXAMINER            |                  |
| FISH & RICHARDSON P.C.<br>P.O. Box 1022<br>MINNEAPOLIS, MN 55440-1022 |               |                      | JANKUS, ALMIS R     |                  |
| ART UNIT  | PAPER NUMBER  |                      | 2628                |                  |
| MAIL DATE   | DELIVERY MODE |                      | 07/02/2007          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                 |                |
|------------------------------|-----------------|----------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)   |
|                              | 10/696,740      | BARTELL ET AL. |
|                              | Examiner        | Art Unit       |
|                              | Almis R. Jankus | 2628           |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 October 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3-11 and 13-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-11 and 13-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/08/04.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1, 3-11 and 13-20 are presented for examination.

2. Claims 2 and 12 are cancelled.

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 3-11 and 13-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 and 3-10 are directed to a computer implemented method; claims 11 and 13-20 are directed to a computer program product, tangibly stored on a computer-readable medium comprising instructions operable to use a programmable processor to perform operations. All the claims are directed to a computer program. Computer programs fail to fit any of the four statutory classes of invention.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1, 3, 11 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by “Adobe After effects Help: Stylized Effects”, hereinafter referred to as Adobe.

With respect to claim 1, Adobe teaches the claimed receiving input defining a paint stroke, the paint stroke being defined in two dimensions, a position dimension and a time dimension, where in the position dimension, the paint stroke is defined by one or more position values defining a stroke path, and in the time dimension, the paint stroke is defined by one or more time values associated with values for one or more stroke parameters, each parameter representing an appearance attribute of the stroke; associating the position values with a first set of the time values; and for each parameter, associating the values for the parameter with a second set of the time values different from the first set of time values, at page 218 at Write-on effect controls. The Stroke Length specifies the length, in seconds, of the stroke at any moment. Change the stroke length at keyframes to make the length of the stroke expand and contract as it is drawn. And at Brush Time Properties specifies whether brush properties are applied to each stroke segment or to the entire stroke.

Claim 3 requires association of parameter values with time values to be a function. A mapping between the two is a function.

Claims 11 and 13 are similar to claims 1 and 3 respectively and are rejected under similar rationale.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "The product of claim 1" in the preamble. There is insufficient antecedent basis for this limitation in the claim. Claims 19 and 20 depend from claim 18 and are rejected based on that dependency.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis R. Jankus whose telephone number is 571-272-7643. The examiner can normally be reached on M-F, 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJ



ALMIS R. JANKUS  
PRIMARY EXAMINER